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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CASE NO. L:06-MJ-226
	§	
Gustavo S. ZUNIGA	§	
	§	

ORDER OF DETENTION PENDING TRIAL

A detention hearing in accordance with Title 18, United States Code, Section 3142(f) was held in this case on February 9, 2006. Defendant is charged under Title 21, United States Code, Section 841(a)(1), with knowingly and unlawfully possessing with the intent to distribute approximately 5.22 kilos of cocaine. I find that the following facts are established by clear and convincing evidence and that they REQUIRE THE DETENTION of the Defendant, Gustavo S. Zuniga, pending trial in this case.

FINDINGS OF FACT

The Government proffered the Pretrial Services Report and stated that although Defendant is a United States citizen, he is a flight risk based on his family ties in Nuevo Laredo, Tamaulipas, Mexico. Defendant in addition is a danger to the community based on a long prior criminal record beginning in 1989 and continuing until 2005. Defendant's criminal history includes a 1999 Bank Robbery conviction where Defendant was incarcerated for forty-two (42) months and also given three (3) years supervised release.

Defense counsel proffered that Defendant currently works and lives in Chicago, Illinois, and

he is the sole provider for his family. Defense counsel also offered a letter into evidence from Defendant's employer in Illinois stating that Defendant is a "good worker."

REASONS FOR DETENTION

The evidence adduced at the hearing establishes probable cause to believe the Defendant has violated a statute which provides for a maximum sentence of life imprisonment under the Controlled Substances Act (21 U.S.C. § 801 et. seq.). Since probable cause exists to believe that the Defendant committed these crimes, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community. The Defendant has failed to produce facts which will rebut this presumption in light of the findings above. Defendant is a flight risk based on Defendant's family ties in Mexico. Defendant's prior robbery conviction and lengthy criminal record leads the court to believe that Defendant is a danger to the community.

DIRECTIONS REGARDING DETENTION

The Defendant is committed to the custody of the United States Marshal for the Southern District of Texas, Laredo, Texas for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE at Laredo, Texas, this 15th day of February, 2006.

A handwritten signature in black ink, appearing to read 'A. Arce-Flores', written over a horizontal line.

Adriana Arce-Flores
United States Magistrate Judge